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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/664,039   | 09/17/2003  | John W. Stockstill   | MCOG-0002-1         | 2608             |
| 22506  | 7590        | 07/18/2006           | EXAMINER            |                  |
| JAGTIANI + GUTTAG<br>10363-A DEMOCRACY LANE<br>FAIRFAX, VA 22030 |             |                      |                     | WILSON, JOHN J   |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3732                |                  |

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/664,039             | STOCKSTILL, JOHN W. |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | John J. Wilson         | 3732                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 June 2006.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 and 4-17 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 and 4-17 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 8, 13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are improper dependent claims because they fail to further limit because the second abrasive is inherently similar to the second abrasive.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-6, 8, 10-13, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asum (5836810) in view of Blank (6386873). Asum shows an interproximal strip 22, Fig. 7, having a plurality of zones comprising a smooth central first zone 25, a second abrasive zone 24 next to the first zone, and a third abrasive zone 24 on the opposite side of the first zone. Asum does not show a fourth abrasive zone on a second side. Blank teaches that it is known to use abrasive on one or on

both sides, column 4, lines 2-3. It would be obvious to one of ordinary skill in the art to modify Asum to include abrasive on both sides as taught by Blank in order to deliver the abrasive action to the desired locations. As to claim 5, Asum teaches using different abrasives, column 3, lines 60-64. As to claims 10 and 17, the method steps are obvious uses of the shown structure to one of ordinary skill in the art.

Claims 7, 9, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asum (5836810) in view of Blank (6386873) as applied to claims 4, 5, 11 and 12 above, and further in view of Kyotani (4690642). The above combination teaches using different abrasives and using abrasives on both sides, however, the above combination does not show using different abrasives on different sides. Kyotani teaches using different abrasives on one side, Fig. 4, or on different sides, Fig. 5. It would be obvious to one of ordinary skill in the art to modify the above combination to include using different abrasives on different sides as shown by Kyotani in order to apply the desired degree of abrasive to the desired locations. The specific locations of different abrasives is an obvious matter of choice in the location of known structures to one of ordinary skill in the art in order to abrade the desired area to a desired degree.

#### ***Response to Arguments***

Applicant's arguments filed June 5, 2006 have been fully considered but they are not persuasive. Applicant argues that no reference shows all of the features in the locations as claimed and that there is no motivation for the combination. It is held that

the combination of reference is motivated because they all are directed to solving problems with removing material from between teeth, and as such, one of ordinary skill in the art would be motivated to combine features such as known locations for abrasives and non-abrasive surfaces. The combination properly shows all of the claimed features.

***Conclusion***

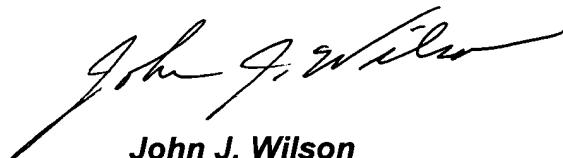
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez, can be reached at 571-272-4964). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



*John J. Wilson*  
**John J. Wilson**  
**Primary Examiner**  
**Art Unit 3732**

jjw  
July 10, 2006